

**ASSEMBLY BILL**

**No. 331**

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**Introduced by Assembly Member Hall**

February 18, 2009

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An act to amend Section 2924.8 of the Civil Code, relating to mortgages.

LEGISLATIVE COUNSEL'S DIGEST

AB 331, as introduced, Hall. Mortgages and deeds of trust: foreclosure.

Existing law requires that, upon a breach of the obligation of a mortgage or transfer of an interest in property, the trustee, mortgagee, or beneficiary record a notice of default in the office of the county recorder where the mortgaged or trust property is situated and mail the notice of default to the mortgagor or trustor. Existing law, until January 1, 2013, requires a specified notice to be posted on a residential property to be sold if the billing address for the mortgage note is different than the property address.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2924.8 of the Civil Code is amended to
- 2 read:
- 3 2924.8. (a) Upon posting—a *the* notice of sale pursuant to
- 4 Section 2924f, a trustee or authorized agent shall also post the
- 5 following notice, in the manner required for posting the notice of

1 sale on the property to be sold, and a mortgagee, trustee,  
2 beneficiary, or authorized agent shall mail, at the same time in an  
3 envelope addressed to the “Resident of property subject to  
4 foreclosure sale” the following notice in English and the languages  
5 described in Section 1632: “Foreclosure process has begun on this  
6 property, which may affect your right to continue to live in this  
7 property. Twenty days or more after the date of this notice, this  
8 property may be sold at foreclosure. If you are renting this property,  
9 the new property owner may either give you a new lease or rental  
10 agreement or provide you with a 60-day eviction notice. However,  
11 other laws may prohibit an eviction in this circumstance or provide  
12 you with a longer notice before eviction. You may wish to contact  
13 a lawyer or your local legal aid or housing counseling agency to  
14 discuss any rights you may have.”

15 (b) It shall be an infraction to tear down the notice described in  
16 subdivision (a) within 72 hours of posting. Violators shall be  
17 subject to a fine of one hundred dollars (\$100).

18 (c) A state government entity shall make available translations  
19 of the notice described in subdivision (a) which may be used by a  
20 mortgagee, trustee, beneficiary, or authorized agent to satisfy the  
21 requirements of this section.

22 (d) This section shall only apply to loans secured by residential  
23 real property, and if the billing address for the mortgage note is  
24 different than the property address.

25 (e) This section shall remain in effect only until January 1, 2013,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2013, deletes or extends that date.